

REMARKS

I. Examiner Interview Summary

An examiner interview took place on Jan. 19, 2010. Applicant provided applicant's view of the specification of the reference cited in the outstanding official action. Applicant highlighted portions of the reference pertaining to the bases of rejection of applicant's claim 75 set forth in the outstanding official action. Distinctions between the cited reference and the embodiment of applicant's invention recited in claim 75 were discussed. The examiner indicated general agreement with applicant's position. The examiner requested detailed arguments be provided in applicant's written official action response for his further consideration. Applicant thanks the examiner for his courtesy in conducting the interview and provides applicant's detailed written arguments and remarks as follows.

II. Claim Rejections - 35 USC § 102(e) - Jain

The official action rejects independent claim 75 as anticipated by US 6,360,234 to Jain et al. (Hereinafter the '234 patent). Applicant respectfully disagrees for the following reasons:

a. The '234 patent lacks an equivalent for applicant's claim 75 'Storage Managing Unit'. The official action did not cite any equivalent for applicant's claim 75 'Storage Managing Unit'.

"A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference."

Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

"Unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIn, Inc. v. VeriSign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008)

The embodiment of applicant's invention recited in claim 75 is as follows:

"A transformer comprising:

a converter including an input for receiving media content without regard to format, said converter automatically and separately providing:

at least one media block comprising a portion of said media content and a description of said portion of media content wherein said description does not include a storage address for said media block;

a storage managing unit coupled to said converter to receive said at least one media block and said description:

said storage managing unit storing said at least one media block in a first memory

said storage managing unit storing said description in a second memory;

a translator configured to relate said stored media block to said stored description,

said transformer thereby enabling random retrieval of a plurality of stored media blocks in response to receiving a single request comprising said description from a requester when said request does not include an address retrieved ones of said plurality of stored media blocks." (emphasis mine)

Taking all words of applicant's claim 75 into account ("All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (MPEP 2143.03), applicant interprets the official action as proposing the following comparisons:

<u>Applicant</u>	<u>Reference</u>
converter including an input for receiving media wherein the converter automatically and separately provides a.) at least one media block comprising a portion of said media content AND b.) a description of said portion of media	Video Cataloger 110

content...”	
“...at least one <u>media block</u> comprising a portion of said media content ...”	<u>Digital video 122</u>
“..a description of said <u>portion of media content...</u> ”	<u>Metadata 112</u>
a storage managing unit coupled to said converter to receive said at least one media block and said description... [and] storing said at least one media block in a first memory ...[and] storing said description in a second memory	No proposed equivalent
first memory	Content server 140
second memory	Metadata Server 130
translator	Metadata track index manager

As seen from the chart and upon reading the official action dated October 1, 2010, the office has not proposed an equivalent to applicant’s claimed ‘storage managing unit coupled to said converter to receive said at least one media block (the media block provided by the converter) and said description (the description provided by the converter). Applicant can find no description or suggestion in the cited reference to provide such a unit. The description provided in the cited reference is configured such that the storage managing unit called for in the embodiment recited in applicant’s claim 75 could not be provided.

Specifically, Video Cataloger 110 of the reference does not provide digital video 122. Therefore, there could be no storage managing to receive digital video 122 from Video Cataloger 110. Regarding ‘digital video 122’ referred to in the official action, the reference specifies that an optional encoder process provides digital video 122, which itself is optional. (See col. 3, lines 59-62: “Digital Video Encoding 120: the existence of

digital video is an optional component. It may be the case that the metadata merely indexes video that resides on analog video tapes stored on shelves.”) Where the optional digital video is provided by the optional encoding process, the reference specifies the digital video is provided on a separate path than the path from Video Cataloger 110 to metadata server 130. (See Fig. 1, also see description, col. 14, lines 47-50: **“As always, metadata 112 is sent from the Video Cataloger 110 to the metadata server 130 in parallel to this encoding process.”**)

Further, the reference specifies that Video Cataloger 110 does not provide a video signal. That is, the video cataloger system of the reference provides video catalog (in HTML format) for a video whether or not the cataloger system provides any corresponding video. (See reference Col. 12, lines 43-45. “Some key features of the Video Cataloger HTML output are: a.) The HTML files used to generate the display in the browser window 916 (Fig. 17) are completely standalone, internally linked HTML, such that no Web server is required.” Col. 12, lines 58-61: “Digital video is independent of the HTML representation - any digital video source can be linked into the playback frame.”

Content server 140 is not an equivalent to applicant’s claim 75 storage managing unit. First, content server 140 receives digital signal 122 from encoder process 120 (Fig. 1) and not from video cataloger 110 (converter). Second because content server 140 does not receive metadata 112. Metadata server 130 is cannot be taken as an equivalent to applicant’s storage managing unit because metadata server 130 does not receive digital signal 122.

Since the reference lacks disclosure of each and every element of applicant’s claim 75 in that the reference lacks disclosure of a ‘storage managing unit coupled to said converter to receive said at least one media block and said description said storage managing unit storing said at least one media block in a first memory said storage managing unit storing said description in a second memory’, the reference cannot be said to anticipate applicant’s claim 75. On this basis alone, applicant’s claim 75 is believed allowable over the cited reference. Therefore applicant respectfully requests

withdrawal of the rejection of claim 75 and allowance of claim 75 at the earliest possible date.

- b. **Video Cataloger 110 of the reference does not disclose applicant's claimed converter in the embodiment of claim 75 because the cited elements of the reference system are not arranged or combined with respect to the cited Video Cataloger 110 in the same way as recited in applicant's claim 75 embodiment with respect to applicant's claimed converter.**

"Unless a reference discloses within the four corners of the document not only all of the limitations claimed but also all of the limitations arranged or combined in the same way as recited in the claim, it cannot be said to prove prior invention of the thing claimed and, thus, cannot anticipate under 35 U.S.C. § 102." *Net MoneyIn, Inc. v VeriSign, Inc.*, 545 F.3d 1359 (Fed. Cir. 2008)

'Claims cannot be 'treated as mere catalogs of separate parts, in disregard of the part-to-part relationships set forth in the claims and that give the claims their meaning.' *Lindemann Maschinenfabrik GMBH v. Am. Hoist & Derrick Co.*, 730 F.2d 1452, 1459 (Fed. Cir.1984)

The Office cites Video Cataloger 110 as equivalent to applicant's claimed converter. Applicant respectfully disagrees for the following reasons. First, the arrangement of the Video Cataloger 110 in the system of the reference differs significantly from the converter configuration called for in the embodiment of applicant's invention recited in claim 75. Claim 75 calls for, in relevant portion a "converter including an input for receiving media content ...the converter automatically and separately providing: at least one media block comprising a portion of **said media content** AND a description of **said portion of media content** ..."

In contrast the reference discloses video cataloger 110 as receiving analog signal 103 at its input, but providing only metadata 112 (*proposed* 'description'). The reference lacks any disclosure or suggestion that Video cataloger 110 should also

provide digital signal 122 (*proposed* 'portion of media content'). Instead, the reference clearly shows digital signal 122 provided by a different unit entirely (encoder process 120) along a separate path.

Further, the reference lacks any disclosure or suggestion that digital video 122 (*proposed* 'portion of media content') is equivalent to applicant's "at least one media block comprising a portion of **said media content**". There is no disclosure or suggestion in the reference that digital video 122 provided by encoder process 120 is 'a portion' of the signal that appears on the input to Video Cataloger 110. The reference lacks disclosure or suggestion of any signal provided by video cataloger 110 that could be considered a portion of the signal received at the input of video cataloger 110. Further, even if digital video 122 were taken as a 'portion' for the sake of argument, the reference lacks disclosure or suggestion that video cataloger 110 provide the portion and that video cataloger 110 also provide "...a description of said portion..".

Further, the embodiment of applicant's invention recited in claim 75 calls for "a storage managing unit coupled to said converter to receive said at least one media block and said description..." The reference lacks description or suggestion of an arrangement whereby video cataloger 110 is coupled to a storage managing unit such that video cataloger 110 provides **both** digital signal 122 and metadata 112 to that storage managing unit.

Video Cataloger 110 of the reference is shown to provide only metadata 112 (as HTML). (See reference col. 12, lines 28-31: "The user may invoke a GUI command such as a 'save as' command on the "file" menu 553 [*of operator GUI in Fig. 15*] which ...provides a list of output filter choices..." "When the HTML filter 564 is invoked it accesses the metadata in the Metadata Track Index Manager 530 and processes it into HTML.")

The reference explicitly states the Video Cataloger does NOT provide a video output. See reference Col. 12, lines 43-45. "The HTML files used to generate the display in the browser window 916 (Fig. 17) are completely standalone, internally linked HTML, such that no Web server is required." "Digital video is independent of the HTML

representation - any digital video source can be linked into the playback frame.” (Col. 12, lines 58-61.)

Further, the reference describes digital video 122 provided by encoder process 120 as not necessarily provided at all, i.e., as optional. “The existence of digital video is an optional component. It may be the case that the metadata merely indexes video that resides on analog video tapes stored on shelves.” (Col. 3, lines 60-62)

Thus it is clear the Video Cataloger 110 of reference is not arranged with respect to digital video 122 and metadata 112, in the same way as applicant's converter is arranged with respect to ‘at least a portion of media content’ and ‘a description of the portion of media content’ in the embodiment of applicant's invention recited in claim 75 . Nor is the Video Cataloger 110 arranged in any way related to a storage managing unit. Because the arrangement of the ‘Video Cataloger 110’ described in the cited reference is different from that called for in the embodiment of claim 75, the cited reference cannot be said to anticipate claim 75. For this reason alone, claim 75 is believed allowable over the cited reference. Therefore applicant respectfully requests the rejection be withdrawn and claim 75 allowed at the earliest possible date.

- c. **Description of video cataloger 110 of the reference does not disclose or suggest the claim 75 embodiment of applicant's invention calling for a ‘Converter automatically and separately providing at least one media block comprising a portion of said media content and a description of said portion of media content...’,**

(“All words in a claim must be considered in judging the patentability of that claim against the prior art.” *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970) (MPEP 2143.03)

The reference describes in detail that video cataloger 110 is operated by a user (via graphical user interface (GUI) 170, illustrated in Fig. 2). For example, see col. 4, lines 13-30: “In Fig. 2 the Video Cataloger graphical user interface is contained in a window 170. The main controls are exposed as menus and a tool bar 182. A panel

172, displays the live video being digitized, with play, stop, etc. controls that interact remotely with the analog source via a deck controller 240...”

Further, video cataloger 110 is controlled by an operator to provide its output. (“The user [*operator of video cataloger 110*] may invoke a GUI command, such as a ‘save as’ command on the “File menu 553, which in turn provides a list of output filter choices (HTML, Real Networks SMIL, XML, custom, etc). Further, “...the general process of metadata capture [*by video cataloger*] occurs...until the process is stopped by the user” (See col. 11, lines 9-11)

Even if Video Cataloger 110 were considered, for the sake of argument, to provide both digital signal 122 and metadata 112, it could not be said that Video Cataloger 110 operates automatically to provide any output. Regardless of any other consideration, when the word ‘automatic’ appearing in applicant’s claim is properly taken into account, the reference description of video cataloger 110 cannot be said to disclose applicant’s claimed ‘converter’. For this reason alone, claim 75 is believed allowable over the cited reference. Therefore applicant respectfully requests the rejection be withdrawn and claim 75 allowed at the earliest possible date.

d. The cited ‘metadata track index manager’ does not disclose applicant’s claimed translator.

The official action asserts the metadata track index manager of the reference discloses applicant’s claimed ‘translator configured to relate said stored media block to said stored description...’ According to the embodiment of the invention recited in applicant’s claim 75, a ‘stored media block’ is ‘at least a portion of’ the content received by applicant’s claimed converter, which portion is stored by a storage manager in a first memory. Applicant’s converter further provides a description of that portion, and stores the description in a second memory. Applicant’s claimed translator relates the stored media block to the stored description of that stored media block.

Even assuming, for the sake of argument, video signal 122 were taken as a portion of a video signal, and metadata 112 were taken as a description of that portion,

the reference description lacks any disclosure or suggestion that Metadata track index manager 530 (part of Video Cataloger 110) relates any portion of digital video in content server 140 to a description of that portion stored, wherein the description is stored in metadata server 130.

The reference describes metadata track index manager 530 as “the object that manages the multiplicity of metadata tracks.” Further, “...it allows registration of individual metadata track data types, and then manages commitment of instances of that data onto the index by feature extractors.” (See col. 7, lines 5-7) Extensible Track data types are registered with the Metadata Track Index Manager 530.” “Any desired data representation can be defined and installed, such as region markers, OCR text and confidence values, face identifiers, camera parameters...” etc.

Therefore, the reference disclosure of a Metadata track index manager cannot be said to disclose a translator that relates “said stored media block to said stored description”. Because the reference lacks description of a translator, the reference lacks disclosure of each and every element of applicant’s claim 75. For this reason alone, the reference cannot be said to anticipate claim 75. Therefore, applicant believes claim 75 is allowable over the cited reference. Applicant respectfully requests the rejection be withdrawn and claim 75 allowed at the earliest possible date.

e. The arrangement of elements in the reference system could not achieve the results recited in the embodiment of applicant’s invention recited in applicant’s claim 75.

The reference lacks disclosure or suggestion that the video cataloger system of the reference can receive a request from the client system of the reference.

The embodiment of applicant’s invention recited in claim 75 calls for a “transformer comprising...[the features discussed above] said transformer thereby enabling random retrieval of a plurality of stored media blocks in response to receiving a single request comprising said description from a requester when said request does not includes an address for retrieved ones of said plurality of stored media blocks.

The reference video cataloger system provides an HTML catalog for display on a

client device. The catalog displays 'types' (metadata) of selectable items. (See Figure 17) When a user selects a type the catalog (on the user system) generates a request comprising a time code. The time code is provided to a video player application. "All metadata is cross referenced/cross lined based on time codes. (Col. 13, lines 58-50.) "Video data is retrieved by sending a time code to the embedded player application." (Col. 13, lines 65 -66).

The reference lacks disclosure or suggestion that the video player of the reference can randomly retrieve video portions from content server 140.

The embodiment of applicant's invention recited in claim 75 calls for a "transformer comprising...[the features discussed above] said transformer thereby **enabling random retrieval of a plurality of stored media blocks** in response to receiving a single request comprising said description from a requester when said request does not includes an address for retrieved ones of said plurality of stored media blocks.

Even assuming for the sake of argument a request comprising a time code received by the video player of the reference is a request received by applicant's transformer, there is no disclosure or suggestion that the video player of the reference can enable or in any way carry out "random retrieval of a plurality of stored media blocks" in response to receiving a request.

No matter what time code is provided to the reference video player, the video player of the reference system retrieves and loads the entire video before playing back from a start point in the video corresponding to a time code. (See col. 13, lines 65 to col. 14, lines 1-2: "Video data is retrieved by sending a time code to the embedded player application. The player application then retrieves the video, seeks to the requested time code (in time) and begins playback.)

Since the reference system always retrieves the same video (the entire video) from the cataloging system of the invention (if it retrieves video from the reference system at all), regardless of any requested portion, it cannot be said the reference

achieves applicants claimed result: said transformer thereby enabling random retrieval of a plurality of stored media blocks in response to receiving a single request comprising said description from a requester...”

Having fully addressed the Examiner’s rejections and in view of the preceding remarks, applicant believes this application stands in condition for allowance. Accordingly then, reconsideration and allowance are respectfully solicited. The examiner is invited to call applicant’s attorney at 215-584-1159 to resolve any outstanding issues to advance the prosecution of this case.

Respectfully submitted,

Date: 2/28/2010

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